REMARKS/ARGUMENTS

I.   DRAWINGS

The Office Action indicates that Figure 2 should be designated by a legend such as –Prior Art—because only that which is old is illustrated. Applicant respectfully disagrees. What is shown in Figure 2 is new because the software which performs the method of the invention resides in Random Access Memory 320 and the disk Drive 380 and operates the other components in the figure to perform the method of the invention. Figure 2 is therefore an example of an embodiment of the invention. Therefore, what is new is also illustrated.

Applicant believes that a proposed drawing correction or corrected drawings are not needed. If the Examiner does not agree, he is requested to call the Applicant's Attorney Kirk Wong, at (408) 414-1214, to discuss any issues.

II.   SPECIFICATION

In the specification, the Abstract has been replaced to correct the length. Page 12, line 11 has been amended to correct a typographical error.

III.   STATUS OF CLAIMS

Claims 1-20 remain in this application. Claims 1-20 have been rejected. Claims 1, 8, 12, 13, 15, and 17 have been amended.

IV.   CLAIM OBJECTIONS

Claims 1 and 15 are objected to by Examiner. Applicant has amended the claims as suggested by the Examiner. Therefore, Applicant respectfully requests that the Examiner withdraw the objection.

V.   CLAIM REJECTIONS – 35 U.S.C. § 112

The Office Action rejects Claim 15 under 35 U.S.C. §112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the Examiner's comments.

The Office Action rejected Claims 10 and 17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. Applicant has amended the claims to address the Examiner's comments.

The Office Action rejects Claim 1 under 35 U.S.C. §112, second paragraph, as incomplete for omitting essential steps, such as omission amounting to a gap between the steps. Applicant has amended the claims to address the Examiner's comments.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §112, second paragraph.

VI.   CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Chauhan (hereinafter "Chauhan") U.S. Patent No. 6,115,752 in view of Scharber (hereinafter "Scharber") U.S. Patent No. 6,542,964. The rejection is respectfully traversed.

<u>Claim 1:</u>

Claim 1 has been amended to clarify the invention and appears as follows:

1.   A method for operating a network of point of presence servers sharing a

hostname, the method comprises:

receiving a request from a user for a web page at a first web
address, the first web address including the hostname;

determining traffic loads of a plurality of customer web servers,
each of the customer web servers storing the web page;

determining a customer web server from the plurality of customer
web servers that is appropriate for the request, the customer web server having a
traffic load lower than traffic loads of remaining customer web servers from the
plurality of customer web servers;

determining an IP address of the customer web server;

directing the request from the user to the customer web server;
thereafter

receiving a request from the user for static content on the web page
at a second web address, the second web address including a hostname;

determining service metrics of point of presence servers in the
network of point of presence servers;

determining the point of presence server from the network of point of
presence servers that is appropriate for the request for static content, the point of
presence server having service metrics better than service metrics of remaining point
of presence servers from the network of point of presence servers;

retrieving the static content from the point of presence server; and
providing the static content to the user.

More specifically, Chauhan in view of Scharber do not teach or disclose a system
that determines the point of presence server from the network of point of presence servers
that is appropriate for the **request for static content**, the point of presence server having

service metrics better than service metrics of remaining point of presence servers from the network of point of presence servers as claimed in the invention. Chauhan does not contemplate determining appropriate point of presence servers having static content. Chauhan does not contemplate making such a distinction because Chauhan teaches away from such a system by teaching that mirrored servers are required to perform server selection.

The Office Action states that Scharber discloses many types of cache servers. However, Scharber does not teach or disclose that point of presence servers having cached static content. Therefore, to combine Chauhan and Scharber as the Office Action suggests would result in Chauhan's invention of providing server selection for mirrored sites and not the invention claimed in Claim 1.

Therefore, Chauhan in view of Scharber do not teach or disclose the invention as claimed.

Claim 8:

Claim 8 appears as follows:

8. A method for operating a network of point of presence servers comprises:

receiving a first request from a client DNS server to resolve a first domain name, the client DNS server receiving a request from a user of a web page address that includes the first domain name;

determining load measurements of a plurality of customer web servers, each of the customer web servers addressable by the first domain name, and each of the customer web servers configured to service the request from the user;

determining a customer web server from the plurality of customer web servers, the customer web server having a traffic load lower than traffic loads of other customer web servers from the plurality of customer web servers;

determining an IP address of the customer web server;

providing the IP address of the customer web server to the client DNS server; thereafter

receiving a second request from the client DNS server to resolve a second domain name, the client DNS server receiving a request from the user of a uniform resource locator that includes the second domain name;

determining performance metric measurement of point of presence servers in the network of point of presence servers, each of the point of presence servers addressable by the second domain name;

determining a point of presence server from the network of point of presence servers, the point of presence server having performance metrics lower than performance metrics of other point of presence servers from the network of point of presence servers;

providing the IP address of the point of presence server to the client DNS server;

retrieving data from the point of presence server in response to the uniform resource locator; and

providing the data to the user.

More specifically, Chauhan in view of Scharber do not teach or disclose a system that determines performance metric measurement of point of presence servers in the network of point of presence servers, each of the point of presence servers addressable by the second domain name and determines a point of presence server from the network of point of presence servers, the point of presence server having performance metrics lower than performance metrics of other point of presence servers from the network of point of presence servers as claimed in the invention. Chauhan does not contemplate making a distinction between customer web servers and point of presence servers as claimed in the invention. Chauhan teaches away from such a system by teaching that mirrored servers are required to perform server selection. Chuahan routes only to mirrored servers and has no ability to

make distinctions between types of servers (col. 7, lines 25-42)

Combining Chauhan and Scharber as the Office Action suggests would result in Chauhan routing to all servers as if they are all mirrored servers.

Therefore, Chauhan in view of Scharber do not teach or disclose the invention as claimed.

Claim 15:

Chauhan in view of Scharber do not teach or disclose the invention as claimed in the same manner as in Claim 8.

Claims 1, 8, and 15 are in allowable condition. Claims 2-7, and 9-14, and 16-20 are dependent upon independent Claims 1, 8, and 15, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

VII. CONCLUSIONS & MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136.

The Commissioner is authorized to charge any fee that may be due in connection with

this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amend, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

on ___Jan 27___, 2004   by _____
    (Date)   (Signature)